

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

WRIT PETITION No.13127 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the detention of the father of the petitioner, Armugam Kumar @ Madi Kumar @ M.K.Kumar @ Kumar, under Order of Detention dated 15.03.2016 passed by the Collector & District Magistrate, Chittoor, under Section 3(1)(2) of the Andhra Pradesh Prevention of Dangerous activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986.

2. Though various grounds are sought to be urged by Sri Kanakamedala Ravindra Kumar, learned senior counsel appearing for *Sri K.Hari Prasad*, learned counsel for the petitioner, in support of his attack against the detention of the petitioner's father, we are of the opinion that the matter is amenable to resolution on a simple ground. Copies of the material relied upon by the detaining authority and, thereafter, furnished to the detenu are placed before us. Perusal thereof reflects that several documents are handwritten Telugu documents. Confessional panchanamas and Seizure Mahazars recorded in Crime No.102 of 2014 on the file of Puthalapattu PS, Crime Nos.103 of 2015 and 170 of 2015 on the file of Madnapalle II Town PS., Crime No.100 of 2015 on the file of Nagari PS., and Crime No.142 of 2014 of Puthalapattu PS, are handwritten and in Telugu language. Admittedly, the father of the petitioner knows only Tamil language.

3. This being the factual situation, in the light of the law laid down by this Court in **Vasanthu Sumalatha v. State of Andhra Pradesh**^[1], the State failed in its constitutional duty of making available to the detenu the material relied upon by the detaining authority in a language known and understood by him. In a situation of this nature, it was incumbent upon the State to make available the translated copies of the Telugu documents in Tamil language so as to enable the detenu to know and understand the contents thereof. Failure in this regard would invariably have an adverse affect upon the detenu's constitutional right of effectively making a representation against his detention.

4. In the light of the admitted failure on the part of the State, the Writ Petition is allowed. We accordingly set aside the order of detention dated 15.03.2016 passed against the petitioner's father, Armugam Kumar @ Madi Kumar @ M.K.Kumar @ Kumar, by the Collector & District Magistrate,

Chittoor. The petitioner's father, Armugam Kumar @ Madi Kumar @ M.K.Kumar @ Kumar, shall be set at liberty forthwith unless his confinement is required in relation to any other case.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

30th August, 2016
RAR

[\[1\]](#) 2016 (1) ALT 738 (D.B)